

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONTEZ LAMAR FULLER,

Defendant.

Case No. 06-cr-30117-1-DRH

ORDER

HERNDON, Chief Judge:

During the sentencing of defendant Montez Fuller, he orally requested that the Clerk file a Notice of Appeal from the final judgment on his behalf. This Notice of Appeal was filed on January 23, 2008 (Doc. 341). Later that same day, the Court received the following, filed *pro se* by defendant Fuller: Motion to Appoint Counsel (Doc. 344) and Notice of Appeal (Doc. 345). Upon the first Notice of Appeal (Doc. 341), filed by the Clerk on behalf of defendant Fuller, the District Court no longer has jurisdiction over this case; jurisdiction lies with the United States Court of Appeals for the Seventh Circuit. Further, in viewing defendant Fuller's Motion to Appoint Counsel (Doc. 344), it appears he intended the Motion to be filed with the Seventh Circuit, as his caption reads, "The United States District Court of Appeals for the 7th Circuit of Illinois."

Therefore, the Court **STRIKES** defendant Fuller's Motion to Appoint Counsel (Doc. 344) from the docket and **DIRECTS** the Clerk to forward said Motion

to the Seventh Circuit for filing, as this Court no longer has jurisdiction and because defendant Fuller clearly understood this since he obviously was addressing the motion to the appellate court.

As for the subsequent Notice of Appeal (Doc. 345), filed *pro se* by defendant Fuller, said Motion should also be **STRICKEN** from the record because a Notice of Appeal has already been filed on behalf of defendant Fuller by the Court and further because the Court does not accept *pro se* filings from parties already represented by counsel.

IT IS SO ORDERED.

Signed this 28th day of January, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**